

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor
101 City Hall
Baltimore, Maryland 21202

October 14, 2014

The Honorable President and Members
of the Baltimore City Council
Attn: Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 14-0432 – Food Service Facilities – Mirroring State Law

Dear President and City Council Members:

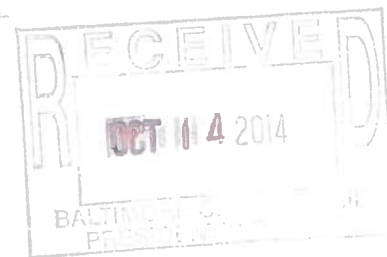
The Law Department has reviewed City Council Bill 14-0432 for form and legal sufficiency. This bill proposes new language to Subtitle 1 of Title 6 of the Health Article of the City Code to conform the City's food service facility law to Maryland State law by redefining food service facility to have the meaning given by state regulations. Additionally, the bill clarifies that the Health Commissioner may choose when to take food samples and that the licensing fee covers the cost of the risk assessment and reviewing control plans.

The Health Commissioner has the authority to ensure that all laws for the preservation of the health of the inhabitants of Baltimore City are faithfully executed, and has general care of, and responsibility for, the prevention of disease, epidemics, and nuisances affecting public health. *See* Charter, Article VII, §56(a). Pursuant to this general authority, and a concurrent authority under State law, the Health Commissioner has the power to regulate food service facilities. *See* Health Code, §6-502; Md. Code, Health Gen., §§ 21-303, 21-304(c). This bill is consistent with that authority. Additionally, the bill clarifies the costs that the license fee covers. *See e.g., Mayor and City Council of Baltimore v. Canton Co. of Baltimore*, 186 Md. 618, 631-32 (1946)(fees must be rationally related to the cost of the regulation).

The Law Department approves City Council Bill 14-0432 for form and legal sufficiency.

Very truly yours,

Hilary Ruley
Chief Solicitor



cc: George Nilson, City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Victor Tervalá, Chief Solicitor
Jennifer Landis, Special Assistant Solicitor

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